

**ATTACHMENT A****Remarks**

By this Amendment independent claims 1, 17, 30 and 31 have been amended to more clearly define the invention and avoid the cited prior art. It is submitted that the present application is in condition for allowance for the following reasons.

In the outstanding Office Action, the Examiner rejects claims 1 to 43 under 35 U.S.C. 112 owing to an apparent disconnect between two portions of the independent claims that concern the availability of the location data to the data input means. The Examiner rightly points out this data must in some way be available to the data input means during play. The applicant's intention was to indicate that the player need not enter this data, so the independent claims have been amended to define simply that (in the words of claim 1) the participant can play or progress through the phases in any order without providing the data to the respective data input means during the sport or game.

The Examiner rejects claims 1 to 5, 13 to 22, 29 to 38 and 41 to 43 as unpatentable over Colley or Borne et al. in view of Lobb et al., in further view of Luna. The applicant has previously discussed each of these documents, but obviously not the newly-cited Luna. Luna is said to disclose a system that allows players to play the holes of a golf course out of their traditional numerical sequence. This may be so, but this is not the equivalent of the present invention in which the participant/player can progress truly in any order, because the data input means have location data, so the participant/player need not—before playing—indicate an intended order of play.

This is not the case with the system of Luna. Luna teaches a “computer based system for guiding golfers around a golf course [that] enables the holes to be played in any order designated by the system” [Abstract: emphasis added]. According to Luna, therefore, the system determines the optimal hole sequence for avoiding course congestion, and instructs each player or players which hole should be played next. Thus, players are not free to play holes in any order, but are in fact instructed to play in an order dictated by the system. The system of Luna “knows” the order in which the holes are played because it controls that order by instructing the players. This means, as the Examiner suggests, that a course will commonly be played in a sequence different from the traditional sequence, but this does not mean that a player can play the holes in any order he or she chooses and still have his or her score at each hole attributed to the correct hole. In short, players must do as they are told with the system of Luna, but with the system of the present invention the player can do as he or she chooses.

In considering Luna and the documents cited previously by the Examiner, however, it has also become apparent that the term “location data” used in the applicant's claims may have led to some apparent (though not actual) similarities between the cited documents and the present invention. Accordingly, claims 1, 17, 30 and 31 have been amended to replace “location data” with “identification data”. As will be appreciated, the present invention was conceived principally for use with golf courses. In a golf course, “hole 1” remains hole 1 whether it is played first, last or otherwise. The data input means associated with hole 1 is, as discussed previously, provided with data indicative of its location so that it “knows” that it is associated with

hole 1. Unfortunately, however, this has led to some confusion: the data input means associated with "hole 1" (for example) knows that it is associated with "hole 1", not with "the first played hole". This distinction becomes critical when considering the system of Lobb et al., discussed previously, and the significance of step 500 in figure 5 where "the routine resets the current hole statistics to the starting hole" [column 9 lines 39 and 40]. The hole count is subsequently incremented—that is, increased by one—at step 540 in figure 5A. This merely means that, in the system of Lobb et al., the successive scores of a player will be associated with the first played hole, the second played hole, the third played hole, etc. However, Lobb et al. do not disclose any mechanism by which their system "knows" which of the golf course's holes (e.g. hole 1, hole 17, hole 6) was played first, second, third, etc.

According to the present invention, the opposite approach is adopted. The system of the present invention is less concerned with the sequence in which the holes are played. Rather, it focuses on the importance of attributing a score to the correct hole. The previously defined "location data" indicative of the input means' location in terms of the phases of play is thus more clearly referred to as "identification data indicative of the portion of the field of play with which the input means is associated" which, in the golf example, might be "hole 1". Lobb et al. clearly fails to disclose a system with these features, since all it can do is start at a hole (at step 500) and then "increment hole count" (at step 540). According to the present invention, a player could play "hole 7", "hole 2", "hole 4", etc, which clearly does not constitute incrementing a hole count.

It is submitted, therefore, that with the present amendments this invention is more clearly distinguished from the various prior art documents identified by the Examiner.

The Examiner responds to the previous arguments put on behalf of the applicant. Firstly, it is hoped that the amendment of the independent claims has addressed the disconnect identified by the Examiner and hence clarified the applicant's earlier points.

Secondly, the Examiner observes that in the system of Lobb et al., by means of a GPS system and graphical map system, a player can determine where he or she is on a golf course and "designate their intended target based on their location". At most, however, this means that the system of Lobb et al. "knows" the location of the player and the location of the intended hole. The system of Lobb et al. does not "know" that the intended hole is "hole 7" or "hole 11", so it has no way itself of associating the player's score with the correct hole. Rather, as discussed above, each successive score is saved against a hole count that is merely "incremented" (at step 540). Lobb et al. are thus concerned with preserving a player's score in correct chronological order.

According to the present invention, a player's score is instead attributed to the correct hole, irrespective of which order those holes where played. This distinction becomes particularly important in those golf scoring systems in which one's score relative to the par of a specific hole is considered in assessing a player's performance. This is the case in the Stableford system, in which a player receives 2 points if he or she hits par on a specific hole, 3 points for one under par, 4 points for two under par, etc., 1 point for one over par and 0 points for two or more over par. The system of Lobb et al.

would not save players' scores in a form suitable for calculating a Stableford score, whereas the system of the present invention would.

Furthermore, not only does the system of Lobb et al. lack the functionality of the system of the present invention, it is also inconveniently complex in the functionality it does provide. To use the system of Lobb et al. on a golf course, a course administrator (or the like) must obtain a GPS map for each hole, and load these maps into each portable device. A portable version of the data input means of the present invention, on the other hand, could simply be "told" that it is sited at hole n (perhaps by means of a simply keypad), and play can commence.

The Examiner concedes that the system of Lobb et al. does not explicitly teach a facility for handling playing golf holes out of order, but contends that passing or skipping holes represents a well known practice in golf. It is submitted that, merely because a particular practice is well known, the system of Lobb et al. cannot be assumed to accommodate that practice. It is indeed common that automation leads to some loss of flexibility, and it is submitted that the ability to handle the passing or skipping of holes should not be read into the disclosure of Lobb et al. The applicant appreciates that the Examiner introduces Luna to support the contention that systems exist that can accommodate the playing of holes in any order but, for the reasons discussed above, it is submitted that the recent invention as defined in the amended claims is also readily distinguishable from the teaching of Luna.

In conclusion, therefore, the present invention allows (in the golf embodiment) a player to play some or all of the holes of a golf course in any sequence and have his or her score attributed to the correct hole in each case, without the player's having to

enter—or even know—the identity of the holes as they are played. This facility is not provided by the systems of the cited prior art considered alone or in combination. It is submitted, therefore, that the claims as amended are novel and inventive over the cited art.

It is thus submitted that the present claims as amended are novel and inventive over the cited art, so that the present application is now in condition for allowance.